

MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
JUNE 6, 2000 - 7:00 P.M.

ROLLCALL Answering rollcall were Members Faust, Johnson, Kelly, and Mayor Maetzold.

CONSENT AGENDA ITEMS APPROVED Motion made by Mayor Maetzold and seconded by Member Johnson approving the Council Consent Agenda as presented.

Rollcall:

Ayes: Faust, Johnson, Kelly, Maetzold

Motion carried.

***MINUTES OF THE REGULAR MEETING OF MAY 16, 2000, AND SPECIAL MEETINGS OF MAY 16, 2000 AND MAY 30, 2000, APPROVED** Motion made by Mayor Maetzold and seconded by Member Johnson approving the Minutes of the Regular Meeting of May 16, 2000, and Special Meetings of May 16, 2000, and May 30, 2000.

Motion carried on rollcall vote - four ayes.

PROCLAMATION HONORING YMCA ON 25TH ANNIVERSARY Mayor Maetzold presented a Proclamation to Katy Campbell, YMCA Board Chair and to Kathy Harley, the YMCA Program Chair. He elaborated that the "Y" has, for 25 years contributed to a positive quality of life for the citizens of Edina. Motion made by Member Faust and seconded by Member Kelly introducing the following proclamation and moving its adoption:

A PROCLAMATION.

WHEREAS, the mission of the YMCA is, *"To develop the total person - spirit, mind and body - through character development programs that build strong kids, strong families and strong communities"; and*

WHEREAS, hallmarks of the YMCA are Caring, Honesty, Respect and Responsibility, and these Christian principles have been put into practice in YMCA programs for 150 years, operating in 90 countries; and

WHEREAS, the YMCA has specially designated teams that visit businesses, schools, service and health organizations and churches to share knowledge and experience, promoting the people, facilities and programs of the Southdale YMCA; and

WHEREAS, locally, the Southdale branch of the YMCA originated in 1937 as the Washburn YMCA, and in 1975 was re-located to 7355 York Avenue South; and

WHEREAS, the YMCA has a history of providing the community financial assistance to welcome anyone to participate in its programs and services; and

WHEREAS, service of the Southdale YMCA goes far beyond the boundaries of Edina including Bloomington, Eden Prairie, Richfield and South Minneapolis; and

WHEREAS, the YMCA has assisted in founding many internationally known civic organizations: Scouts, Campfire, USO, Toastmasters and has served as a model for the Peace Corps; and sports with the invention of basketball in 1891 and volleyball in 1895; and

NOW, THEREFORE, I, Dennis F. Maetzold, Mayor of the City of Edina, do hereby proclaim June 17, 2000, as a day of celebration in honor of the

25th ANNIVERSARY OF THE SOUTHDAL YMCA

in the City of Edina to recognize the positive contributions made by the "Y" to our quality of life.

Adopted this 6th day of June, 2000.

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Motion carried on rollcall vote - four ayes.

*HEARING DATE OF JUNE 20, 2000, SET FOR PLANNING MATTERS Motion made by Mayor Maetzold and seconded by Member Johnson setting June 20, 2000, as hearing date for the following planning matters:

1. Final Rezoning and Final Site Plat Phase 1, and Preliminary Plat Approval for Grandview Square - Opus/Clark
2. Final Development Plan - 7701 Cahill Road - JK Steelar, Ltd./David Linner

Motion carried on rollcall vote - four ayes.

*RESOLUTION 2000-59, APPROVING LOT DIVISION - 4700 MERILANE AND 4704 MERILANE (ED NOONAN) Motion made by Mayor Maetzold and seconded by Member Johnson approving the following resolution:

RESOLUTION NO. 2000-59

WHEREAS, the following described properties are at present single tracts of land:

PARCEL A

Lot 1, Block 1, GUNNAR JOHNSON'S REARRANGEMENT, Rolling Green.

PARCEL B

Lot 60 and 60A, ROLLING GREEN SECTION TWO, according to the recorded plat thereof, Hennepin County, Minnesota.

WHEREAS, the owner has requested the subdivision as follows:

PARCEL A

Lot 1, Block 1, GUNNAR JOHNSON'S REARRANGEMENT, Rolling Green and that part of Lot 60A, said "Rolling Green, Section Two, " and Lot 1, Block 1, "Gunnar Johnson's Rearrangement, Rolling Green," Hennepin County, Minnesota, which lies southeasterly of the following described line and its prolongations:

Beginning at a point on the southwesterly line of said Lot 1, distant 42.26 feet southeasterly from the northwest corner of said Lot 1, as measured along said southwesterly line; thence northeasterly to a point on the northeasterly line of said Lot 60A, distant 25.00 feet northwesterly from the southeast corner of said lot 60A, as measured along said northeasterly line, and there terminating.

PARCEL B

Lot 60 ROLLING GREEN SECTION TWO, according to the recorded plat thereof, Hennepin County, Minnesota, and that part of Lot 60A said "Rolling Green, Section Two," and Lot 1, Block 1, "Gunnar Johnson's Rearrangement, Rolling Green," Hennepin County, Minnesota, which lies northwesterly of the following described line and its prolongations:

Beginning at a point on the southwesterly line of said Lot 1, distant 42.26 feet southeasterly from the northwest corner of said Lot 1, as measured along said southwesterly line; thence northeasterly to a point on the northeasterly line of said Lot 60A, distant 25.00 feet northwesterly from the southeast corner of said Lot 60A, as measured along said northeasterly line, and there terminating.

WHEREAS, the requested subdivision is authorized under Code Section 810 and it has been determined that compliance with the Subdivision and Zoning Regulations of the City of Edina will create an unnecessary hardship and said newly created Parcels as separate tracts of land do

not interfere with the purpose of the Subdivision and Zoning Regulations as contained in the City of Edina Code Sections 810 and 850;

NOW THEREFORE, it is hereby resolved by the City Council of the City of Edina that the conveyance and ownership of the above described tracts of land (PARCEL A and PARCEL B) as separate tracts of land are hereby approved and the requirements and provisions of Code Sections 850 and 810 are hereby waived to allow said division and conveyance thereof as separate tracts of land but only to the extent permitted under Code Sections 810 and 850 subject to the limitations set out in Code Section 850 and said Ordinances are now waived for any other purpose or as to any other provisions thereof, and further subject, however, to the provision that no further subdivision be made of said Parcels unless made in compliance with the pertinent Ordinances of the City of Edina or with the prior approval of this Council as may be provided for by those Ordinances.

Adopted this 6th day of June, 2000.

Motion carried on rollcall vote - four ayes.

BID AWARDED FOR SCHOOL ROAD, RUTH DRIVE AND WEST 59TH STREET IMPROVEMENT NO. A-189 Assistant Engineer Houle reminded the Council at the public improvement hearing it was decided to take a base bid for the entire project and also to solicit alternate bids of only the School Road portion of the improvement. The Engineering Department was to reanalyze the scope of the project for the Council to consider at the time the bids were awarded. Mr. Houle reported that after reanalyzing the cost of the proposed improvement, letters were sent to West 59th Street and Ruth Drive residents informing them that if their road was improved with School Road their cost would be approximately \$1,800.00, but if done independently, the cost would be markedly higher at about \$4,750 per lot. He concluded that staff recommended based on the age of the street, economic analysis of the assessments, and the excellent low bid the entire project be completed and the award go to Valley Paving, Inc. at \$64,840.00.

Public Comment

Bill Larson, 4805 West 59th Street, stated he was against including West 59th Street in the project. Mr. Larson said the School District parks buses on his street and therefore should pay any improvement.

Dave Iacono, 4813 West 59th Street, stated the School District has been using West 59th Street as a staging area for construction. Mr. Iacono urged the Council to not include his street in the project.

Following a brief discussion Member Kelly made a motion approving the bid for roadway improvements for School Road, Ruth Drive, and West 59th Street, Improvement No. A-189, Contract No. 00-8 (Engineering) to Valley Paving, Inc., at \$64,840.00 or for Ruth Drive and West 59th Street to Valley Paving at \$42,650.00. Member Faust seconded the motion.

Rollcall:

Ayes: Faust, Johnson, Kelly, Maetzold

Motion carried.

***BID AWARDED FOR TWO SINGLE AXLE DUMP TRUCK CHASSIS (PUBLIC WORKS)** Motion made by Mayor Maetzold and seconded by Member Johnson awarding the bid for two single axle dump truck chassis for Public Works to Boyer Trucks, Inc. under State Contract #423545 at \$103,720.00.

Motion carried on rollcall vote - four ayes.

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***BID AWARDED FOR TWO FLYGT SUBMERSIBLE SEWAGE PUMPS** Motion made by Mayor Maetzold and seconded by Member Johnson awarding the bid for two flygt submersible sewage pumps for the 62nd Street lift station, to sole source, Electric Pump Waldor Group, at \$15,930.27.

Motion carried on rollcall vote - four ayes.

RESOLUTION 2000-60 AUTHORIZING ACQUISITION OF 4416 VALLEY VIEW ROAD - ROSTER'S SERVICE STATION Mr. Anderson explained that for several months representatives of the City have been discussing the acquisition of the property at 4416 Valley View Road occupied by Roster's Service and Rentals. However, they have been unable to arrive at terms satisfactory to the City and the property owner and for this reason staff recommended the Council authorize acquisition of the property by eminent domain.

Mr. Anderson continued explaining the subject property has been used for many years for the rental of U-Haul trucks and trailers and small engine repair. It was originally constructed and operated as a gasoline station. A couple of years ago gasoline sales were discontinued and the tanks removed. Recently, the property owner applied for a variance to install a canopy over new gasoline pumps they planned to install. After several hearing the Edina zoning Board of Appeals and Adjustments denied the variances. The property owner has begun installation of new gasoline tanks to re-establish gasoline sales. They do not plan to discontinue the U-Haul rental or other activities currently conducted on the site.

Mr. Anderson added that many features of the property do not comply with Edina's Zoning Ordinance, such as the use of the property for vehicle and trailer rental. It also does not comply with current setback, lot area and performance standards the Ordinance requires. However as it exists today it is permitted to operation as a lawful non-conforming use because the use of and construction on the property were established before the current standards were adopted.

In 1990 the City established a development program for a Development District and Tax Increment Financing plans for several commercial areas including the Wooddale and Valley View District. The program and plan contained a number of goals and objectives including eliminating blighting influences and functionally obsolete land uses impeding order development within the district. The plan specifically authorized acquisition of the subject property for the purpose of constructing off-street parking for the commercial area.

Mr. Anderson said that in staff's opinion, the condition of the property has continued to deteriorate since the adoption of the development program. He showed several photographs of the subject property pointing out various problem areas. Mr. Anderson said staff recommended the Council proceed with the acquisition process.

Public Comment

Ron Elmquist, 6100 Kellogg, explained he was a ten year resident of the area. Mr. Elmquist said that during that time the property has deteriorated in appearance with more unused vehicles stored, plus appliances and miscellaneous debris. In addition, the home two doors from the property is owned by the Rosters and is in much the same condition. Mr. Elmquist reported that during the past week he talked to about 100 people in the area and all want the property cleaned up and the business removed.

Ned Blankenship, 6024 Kellogg, asked if it was the City's intent to build Section 8 housing on the subject property? Mr. Anderson explained that while affordable housing was a goal of the City he was unsure if it would be in this location. Planner Larsen added that Section 8 housing was only one

possibility of affordable housing. Mr. Blankenship added he agreed with his neighbor Mr. Elmquist, that the property has steadily declined in condition. He urged the City Council to take whatever action necessary to clean up this location.

Debra Klingsporn, 6028 Kellogg, said she was also a twelve year resident and agreed with her neighbors about the deplorable condition of the property. However, Mr. Klingsporn added she had concerns about safety. She said that she had personally been accosted verbally and had observed trucks leaving the site without regard for pedestrians when walking in the neighborhood.

Gary Persian, Attorney for Bob Roster, 2300 First Star Center, St. Paul, said the subject property is a 44 year family run business that for 42 years has operated a U-Haul business. He acknowledged that the dirt piles look terrible, but that is just while Mr. Roster is installing new underground gasoline tanks. Mr. Roster had to cease his gasoline operation because his old tanks did not meet federal guidelines. Mr. Persian reported it was Mr. Roster's intent after the tank installation was complete to clean up the site and landscape. This should take between 12-18 month, but when complete only six trucks will be on-site. Mr. Persian added that there is no place Mr. Roster can re-locate to and still operate. He asked the Council to table the matter and allow Mr. Roster to finish his planned improvements.

Mayor Maetzold stated that he has driven past the subject property for seventeen years and it has been in a deteriorated condition for many years. He wondered why the improvements were proposed at this time. Mr. Persian responded that Mr. Roster now has the funds available to complete the rehabilitation of the site.

Member Kelly asked if Rosters was affiliated with any franchise. Mr. Persian explained that was under negotiation, but none at this time.

Member Faust asked the Fire Chief and Building Official if any violations exist on the site currently. Chief Scheerer explained that on March 29, 2000, a notice was sent of violation. As of the current date, no progress had been made on those violations and therefore no fuel pumping would be allowed while the conditions exist. Building Official Kirchman reported that while completing a sewer and water tank installation inspection staff noted interior plumbing had been completed without a building permit. Mr. Larsen added that several the owner has been notified many times of non-compliance with the code. He said there would be a partial compliance then decline would happen again.

Member Johnson asked if all the necessary permits have been obtained for the current tank installation. Mr. Kirchman replied that all permits have been obtained.

Following a brief discussion, Council expressed concern over the general deteriorated condition, potential safety hazards to the neighborhood and failure of the property owner to complete previously requested clean up, **Member Johnson introduced the following resolution and moved its adoption:**

**RESOLUTION NO. 2000-60
CONDEMNATION RESOLUTION**

BE IT RESOLVED by the City Council of the City of Edina, Minnesota (the "City"), as follows:

WHEREAS, pursuant to Minnesota Statutes, Sections 469.124 to 469.134, the City Council on April 2, 1990 adopted the Development Program for Development District No. 2 (the "Development Program"), which created a development district in the City designated as Development District No. 2 (the "District");

WHEREAS, it is necessary, advisable, and in the public interest that the City, acquire for redevelopment purposes, and pursuant to the Development Program, property within the Development District; and

WHEREAS, in order to assist in the redevelopment of the property in the Development District in accordance with the Development Program, it is necessary that the properties described on Exhibit A attached hereto and hereby made a part be redeveloped; and

WHEREAS, the City has been advised that said property will not be made available for redevelopment in a manner that would allow the City and meet the objectives and purposes of the Development Program unless it is acquired by eminent domain; and

WHEREAS, in order to undertake the Development Program and provide for the redevelopment of said property in a manner that would meet the objectives and purposes of the Development Program, it will be necessary to procure the same by the right of eminent domain.

NOW, THEREFORE, BE IT RESOLVED, that in order to undertake the Development Program and provide for the redevelopment of the property described on Exhibit A hereto in a manner that would meet the objectives and purposes of the Development Program, the City proceed to acquire the property described on Exhibit A hereto and all interests therein under its power of eminent domain; and that the attorneys for the City be instructed and directed to file the necessary petition or petitions therefor and to prosecute such action or actions to a successful conclusion, or until it is abandoned, dismissed or terminated by the City or the Court; and that the attorneys for the City, and the officers of the City do all things necessary to be done in the commencement, prosecution and successful termination of such eminent domain proceedings.

BE IT FURTHER RESOLVED, that it is hereby found and declared that the acquisition of the property described on Exhibit A hereto and all interests therein by the City under its power of eminent domain is necessary to redevelop property in the Development District in accordance with the Development Program.

EXHIBIT A

4416 Valley View Road

Lots 8 and 9, Block 21, Fairfax Addition, according to the recorded plat thereof, Hennepin County, Minnesota.

Passed this 6th day of June, 2000.

Member Faust seconded the motion.

Ayes: Faust, Johnson, Kelly, Maetzold

Motion carried.

***CABLE FRANCHISE ORDINANCE BOND REQUIREMENT APPROVED** Motion made by Mayor Maetzold and seconded by Member Johnson approving the Performance Bond reduction to \$100,000 in accordance with the Franchise Agreement with Time Warner Cable based upon completion of the upgrade.

Motion carried on rollcall vote - four ayes.

***NOTICE OF INTENT TO FRANCHISE CABLE COMMUNICATIONS SYSTEM AUTHORIZED** Motion made by Mayor Maetzold and seconded by Member Johnson authorizing publication of the Notice of Intent to Franchise for WideOpen West and Everest Communications to operate and maintain cable communications in the City.

Motion carried on rollcall vote - four ayes.

FINAL SUMP PUMP INSPECTION PROGRAM REPORT PRESENTED Engineer Hoffman explained that in February 1998, the City initiated inspections of approximately 14,000 residential and non-residential properties for possible connections of clear water to the sanitary sewer system. He introduced Douglas Tholo of Howard R. Green Company the City's consultant who conducted the sump pump inspections.

Mr. Tholo presented results from the final report showing 13,982 properties were inspected with 411 having sump pumps cross-connected to the sanitary sewer during the first inspection. After the re-inspection, 23 residences were still cross-connected. This represented a reduction of approximately 34 million gallons per year to the sanitary sewer. 490 properties remain to be inspected.

Engineer Hoffman stated the program has clearly been a success and the City will continue efforts regarding other properties thereby reducing clear water into the sanitary sewer system. The Council requested staff to quantify the dollars saved by the flow reduction achieved through the sump pump inspection program and report these findings to the Council.

***PETITION RECEIVED REQUESTING CURB AND GUTTER FROM RESIDENTS OF MAPLE ROAD (4811 - 4836)** Motion made by Mayor Maetzold and seconded by Member Johnson referring the petition received requesting curb and gutter between 4811 and 4836 Maple Road to Engineering for processing as to feasibility.

Motion carried on rollcall vote - four ayes.

CLAIMS PAID Motion made by Member Faust approving payment of the following claims as shown in detail on the Check Register dated May 31, 2000, and consisting of 40 pages: General Fund \$314,921.00; Communications \$1,000.00; Communications \$503.94; Working Capital \$3,253.79; Art Center \$14,053.49; Golf Dome Fund \$800.00; Swimming Pool Fund \$22,302.46; Golf Course Fund \$70,555.77; Ice Arena Fund \$3,010.42; Edinborough/Centennial Lakes \$20,167.98; Utility Fund \$367,767.31; Storm Sewer Utility Fund \$7,167.13; Liquor Dispensary Fund \$346,851.15; Construction Fund \$145,147.04; IMP Bond Redemption #2 \$1,600.00; TOTAL \$ 1,319,101.48; and for confirmation of payment of claims as shown in detail on the Check Register dated June 1, 2000, and consisting of 8 pages: General Fund \$882,021.91; Communications \$1,386.00; Working Capital \$3,500.40; Art Center \$3,807.40; Golf Dome Fund \$1,440.62; Swimming Pool Fund \$2,213.92; Golf Course Fund \$7,736.32; Ice Arena Fund \$15,159.88; Edinborough/Centennial Lakes \$4,104.08; Utility Fund \$29,347.62; Storm Sewer Utility Fund \$1,384.72; Liquor Dispensary Fund \$64,916.29; Construction Fund \$155.10; TOTAL: \$1,017,174.26. Member Johnson seconded the motion.

Rollcall:

Ayes: Faust, Johnson, Kelly, Maetzold

Motion carried.

RESOLUTION 2000-58 CALLING FOR BOND SALE FOR SERIES 2000A AND 2000B HEARING DATE SET FOR WEDNESDAY, JULY 12, 2000 Assistant Manager Anderson explained that the two bonds Series 2000A and Series 2000B relate to public improvements proposed for the Opus/Clark development in the Grandview area. The first issue (2000A) pays for a portion of the construction of the Senior Center and Library proposed for the development. The balance of the construction costs are paid for from other revenue sources as per the redevelopment agreement. The second issue (2000B) is a refinancing of the 1997 temporary issue that was used to pay for the purchase of the Kunz and Lewis property. The current temporary issue has a principal payoff date of August, 2000. The Series 2000B issue extends the life of this debt service to 2003. Under the terms of the redevelopment agreement, the City has agreed to pay off this bond issue when it receives the final payment for the Kunz/Lewis property in 2001.

Mr. Anderson said that staff recommends approval of the resolution calling for the bond sale and that a special meeting date be set for Wednesday July 12, 2000, at 7:00 P.M. for award of the proposal.

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Following a brief Council discussion, Member Kelly introduced the following resolution and moved its adoption:

**RESOLUTION NO 2000-58
RESOLUTION PROVIDING FOR THE SALE OF
\$2,640,000 G.O. TAX INCREMENT BONDS, SERIES 2000A
\$2,550,000 TAXABLE G.O. TEMPORARY TAX INCREMENT BONDS, SERIES 2000B**

WHEREAS, the City Council of the City of Edina, Minnesota, has heretofore determined that it is necessary and expedient to issue the City's \$2,640,000 G.O. Tax Increment Bonds, Series 2000A (the "Series 2000A Bonds") to finance the public costs associated with the Grandview Square Redevelopment Project and to issue the City's \$2,550,000 Taxable G.O. Tax Increment Bonds, Series 2000B (the "Series 2000B Bonds") to refinance the G.O. Tax Increment Bonds, Series 1997B; and

WHEREAS, the City has designated Ehlers & Associates, Inc., in Roseville, Minnesota ("Ehlers"), as its independent financial advisor and is therefore authorized to solicit proposals in accordance with Minnesota Statutes, Section 475.60, Subdivision 2(9);

NOW, THEREFORE, BE IT RESOLVED by the City Council of City of Edina, Minnesota, as follows:

1. **Authorization; Findings.** The City Council hereby authorizes Ehlers to solicit proposals for the sale of the Series 2000A Bonds and the Series 2000B Bonds.
2. **Meeting; Proposal Opening.** The City Council shall meet at the time and place to be specified in the Terms of Proposal for the purpose of considering sealed proposals for, and awarding the sale of the Series 2000A Bonds and the Series 2000B Bonds. The City Manager, or designee, shall open proposals at the time and place to be specified in such Terms of Proposal for each issue.
3. **Terms of Proposal.** The terms and conditions for the Series 2000A Bonds and the Series 2000B Bonds and the sale thereof are fully set forth in the Bond Sale Report and are hereby approved and made a part hereof.
4. **Official Statement.** In connection with said sale, the officers or employees of the City are hereby authorized to cooperate with Ehlers and participate in the preparation of an official statement for the Series 2000A Bonds and the Series 2000B Bonds and to execute and deliver it on behalf of the City upon its completion.

Dated: June 6, 2000.

Member Faust seconded the motion.

Rollcall:

Ayes: Faust, Johnson, Kelly, Maetzold

Resolution adopted.

BUDGET CALENDAR FOR 2001 PRESENTED Assistant Manager Anderson presented the proposed calendar for the 2001 budget process. Following a brief discussion, **Member Faust made a motion to adopt the proposed calendar for the 2001 budget process as presented.** Member Kelly seconded the motion.

Rollcall:

Ayes: Faust, Johnson, Hovland, Maetzold

Motion carried.

There being no further business on the Council Agenda, Mayor Maetzold adjourned the Council Meeting at 8:20 P.M.

City Clerk